

REMARKS

Claims 5-9, 12, 15-18, 22 and 24-35 are pending in this application. Claims 5-9, 12, 15-18 and 22 have been rejected. Claims 24-35 are new. This Response cancels claims 1-4, 13-14 and 19-21. Claims 10-11 and 23 were canceled previously.

Claims 5-7, 15-17 and 22 are amended to incorporate subject matters recited in the previous independent claims 1, 13 and 21 respectively. Support for new claims 24, 26, 28-29 and 31-32 may be found, *inter alia*, in paragraph [0075] of the published Application (US PG PUB 2007/0043865). New claims 25, 27, 30 and 33-35 correspond to dependent claims 8, 9, 12 and 18 respectively. No new matter is introduced. In view of foregoing amendments and following remarks, the Applicants request allowance of the Application.

Claim Rejections under 35 U.S.C. §112

Claims 5-7, 15-17 and 22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5-7, 15-17 and 22 are amended by this Response. Withdrawal of the rejections is respectfully requested.

Allowable Subject Matter

Claims 5-9, 15-17 and 22 stand objected to as being dependent upon rejected base claims, but indicated as allowable if rewritten in independent form. Each of claims 5-7, 15-17 and 22 have been amended to be in independent form, and their base independent claims 1, 13 and 21 are canceled. Accordingly, independent claims 5-7, 15-17 and 22 are believed to be allowable. Dependent claims 8-9, 12 and 18 depend from claims 5, 7 and 15 respectively and are allowable as well. The Applicant respectfully requests the withdrawal of the objections.

Claim Rejections under 35 U.S.C. §103(a)

Claims 12 and 18 stand rejected as obvious under Leinberger (Non-patent publication "Multi-capacity Bin Packing Algorithms with Applications to Job Scheduling under Multiple Constraints") and Walser (US Pat. 6,031,984). Claims 12 and 18 also stand rejected as obvious under Leinberger and Kang (Non-patent publication "Algorithms for the variable sized bin packing problem"). Claims 12 and 18 are amended to depend from now independent claims 5 and 15 respectively. Thus, claims 12 and 18 are allowable at least for the same reason as their respective independent claims. Withdrawal of the rejections is respectfully requested.

New Claims

Dependent claims 24-35 are new; they depend from allowable **independent** claims 5-7 and 15-17 respectively. Allowance of the new claims is respectfully requested.

CONCLUSION

All outstanding rejections have been overcome. It is respectfully submitted that, in view of the foregoing amendments and remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Office is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

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/Xiaomin Huang/

Xiaomin Huang

Registration No. 64,892

Kenyon & Kenyon LLP
1500 K Street, NW, Suite 700
Washington, DC 20005-1257
Tel.: (202) 220-4200
Fax.: (202) 220-4201